

## **SELECTMEN'S MEETING MINUTES**

### **June 14, 2011**

Members Present: Larry Harrington, Chairman  
James J. DeVellis, Vice Chairman  
Mark Sullivan, Clerk  
Lorraine Brue  
Lynda Walsh

Others Present: Kevin Paicos, Town Manager  
Randy Scollins, Finance Director  
Attorney Paul DeRensis  
Mike Webber, Foxboro Cable Access  
Tony Calcia, YMCA – “Darkness to Light” Program  
Advisory Committee – John Gray, Larry Thomas, Bob Garber, Frank Keogh, George Leonard, Cynthia Khalifa and Kevin Donase  
Riaz Hussain, 1 Granite Terrace  
Dick Heydecker, 63 Grove Street

The meeting was brought to order at 7:00 by Larry Harrington, Chairman.

#### **7:00 – Citizens Input –**

**7:05 – Citation for Foxboro Cable Access** – Michael Webber, Foxboro Cable Access, spoke about the value of having local cable access and the dedicated volunteers who put in time week after week. Mark Sullivan read the citation from the Town. The citation was in appreciation for all the work done by Foxboro Cable Access in bringing to the citizens of the Town important news events, educational programs and the countless hours of meetings of Boards, Committees and organizations that impact the lives of everyone in Town.

**“Darkness to Light”** - Tony Calacia, YMCA, to make a brief presentation about “Darkness of Light”, a program being conducted by the YMCA. This program deals with the issues of child abuse, protection and social responsibility. Four other communities are starting this program. He explained that this is the first of its kind to focus on education of adults. The statistics are high for child abuse; most children suffer abuse before their 18<sup>th</sup> birthday and most know their abuser. Tony went on to give further statistics on the need and value of this program. He is “thrilled” with how the community has accepted the concept of the program. He explained that the program would be offered in churches, schools, youth organizations, etc. and would probably start this fall and continue over the course of the next few years.

Riaz Hussain, 1 Granite Terrace, came before the Board to express his dissatisfaction on not getting a proper response from the Town regarding the inspection of a Condensation Pump Drain and Air Intake mechanism at his home. A brief discussion was held. Kevin Paicos said he would ask for a second look to see if some kind of compromise can be reached.

Lynda Walsh congratulated all who made Founder's Day a success. She especially thanked those who got dunked; they were able to raise \$600 for the 9/11 Memorial.

**7:20 – Advisory Committee** – Kevin Paicos explained he had invited the Advisory Committee to meet with the Board to discuss how to better schedule meetings for budget preparation and to improve communication between the Board and Advisory Committee. Jim DeVellis pointed out that it is the Board's responsibility to be pro-active in providing the Committee with Warrant articles for review and consideration as well as scheduling Town Meetings in a timely manner.

John Gray said early in the process the Committee had just started to get into the budget when a STM was scheduled for February. He said most of the Committee felt pressured to vote on articles without proper review. He felt there had been some inconsistencies from the BOS. He pointed out that things need to be "tightened up" and they could work better together. Cynthia Khalifa said the Committee had to play catch up for the last two months before Town Meeting by meeting two or more times a week. She said meetings such as this one would be very helpful. Larry Harrington suggested selecting dates for one or two meetings to talk about what is working and/or what is not working; in that way the Committee and the Board could work through the issues. John Gray said there seemed to be a mandate for level service but there was inconsistency in the message given. George Leonard said it seemed that the Committee and the Board were not on the same page – level funded or level service. Larry Thomas observed that the Town could use the time much more effectively with a better scheduling of meetings. Kevin Paicos said five or six changes would take place this coming year. He feels it is not necessary to hold the Advisory Committee to the basic meetings particularly with five new members on board. He suggested having meetings with the budget committee starting shortly after Labor Day. He said he and Randy do a lot of work on revenue forecasting and perhaps both the budget committee and the Advisory Committee could work on this jointly. October would be a realistic goal to start working on budget goals.

A discussion was held regarding the Warrant, when it was given to the Advisory Committee to review, when the Warrant is closed and how a citizens' petition is added to the Warrant. It was pointed out that the BOS has to be a disciplined board, make a decision to close the Warrant and when a late request is made, make the appropriate decision to move it to a STM. John Gray pointed out that this year was unprecedented because a STM was scheduled so close to

the date for the ATM. Mark Sullivan noted that this year there were three different budgets predicated on whether or not a particular Article on the Warrant passed and in some cases the Committee had to wait for wording from the Attorney. It was suggested that for the benefit of new members of the Committee, it might be helpful if a long term member could team up with the newer member to work together when things get really tight. John Gray suggested that perhaps three meetings with the BOS would be enough and the meetings should start soon after Labor Day. Brief comments were made relative to the posting of meetings, whether the meetings would be open or executive and speaking "off the record". Larry Thomas suggested that some Articles be reviewed early in the process when the Articles are for things that the Committee is quite sure will appear on the warrant. It would be good to get these done ahead of time. Kevin Paicos noted that this year was very challenging for the Advisory Committee and that "at the end of the day" the Committee had done a great job.

**7:40 – ZBA – Library Project Plans** – Larry Harrington informed the Board that on advice from Town Counsel a joint meeting with the ZBA would not be held due to potential litigation issues.

**8:10 – Joint Budget Discussion** – A general discussion was held. The discussion group would include the School Superintendent, School Business Manager, Members of the BOS, School Committee, Advisory Committee, Randy Scollins and Kevin Paicos. It was pointed out that there could never be a meeting of such a large group where everybody would be present. The question of whether a meeting would be posted as open; originally there was a hope to have meetings with no cameras, etc. however, after discussion it was determined that the democratic process would be observed meetings would be posted and open to the public. This discussion group would not make any decisions but rather bring results of such a meeting to the BOS for further discussion where dialog would be "open and honest". Lorraine Brue asked if there would be sessions with the public so that discussions could be had concerning level service vs. level funding. Larry Harrington pointed out that when meetings were posted for Saturday, the room was full and it is going to be very important to have a public meeting so that discussions can begin about "what does the budget look like". A public hearing could be held jointly with the School Committee and the BOS to hear what people are saying about level services vs. level funding. Lynda Walsh suggested that a joint meeting should be scheduled with the School Committee, the Advisory Board and Randy Scollins. Other suggestions made included scheduling a meeting to discuss revenue and expense forecasts before meeting with Advisory Committee, starting as early as possible. The new members of the Advisory Committee are given an orientation by Randy about budget preparation and earlier budget preparation meetings might give the new members a better understanding of information given during orientation.

**8:20 – Dick Heydecker** – Larry Harrington said the Board had identified four items brought forward by Dick Heydecker and he would like address these and bring closure to them. The first is **Personnel Wage Board** – Larry pointed out that the Charter, By-Laws and the Town Manager Act are specific in those areas; agreements are ratified and that is the way negotiations are done in this Town. Kevin Paicos described the process - the By-Laws and the Charter are specific for the Town of Foxborough and are authorized by the State Constitution. He said the Town can pass local laws that expand on the By-Laws or may even contradict the General By-Laws. The Home Rule Amendment has a provision that allows Towns to establish laws in six specific areas. The Town can have a Charter that allows the Town do anything that it might want even to contradict a State law. This requires the Town to file a Home Rule petition and a special Act of the Legislature. Kevin Paicos explained that the By-Law with respect to collective bargaining was passed in 1963 and amended in 1996 and the Town still does business in that way – the Town Manager negotiates all collective bargaining on behalf of the Town under the guidance of the BOS. All final agreements must be agreed to by the BOS. The Town Manager meets with the negotiating committee, consults with others about the common goal and presents the agreement to the BOS in Executive Session for further discussion or approval of the contract agreement as presented. The Union also must ratify the contract. It is then presented as an Article on the Warrant at Town Meeting for the approval of funding. The contract agreement cannot be changed by Town Meeting. If the funding is not approved at Town Meeting then negotiations must resume. Comments were made regarding the role of labor counsel in the negotiating process, whether members of the negotiating team should be a Town employee and that review of the By-Laws relating to labor negotiations be a specific item for “Goals & Objectives” in the year ahead. Kevin Paicos pointed out that the Town Manager Act has made the Town By-Law inoperative in many ways. Probably 90% now has to be replaced. Dick Heydecker expressed concern regarding the 1%, the fact that the union would not settle for 0 + 3% but settled for 0 + 4 and the fact that this was not brought up at Town Meeting. Larry Harrington noted that each situation stands by itself and it is not uncommon to have split increases. He pointed out that what happened in this case was technically correct. It gives guidance for the new contract.

**Commuter Rail Parking Lot** – Larry Harrington explained that money was given to finish what was going to be a profitable enterprise. As it has turned out, there are barely one-half dozen cars parking there per day, operating at about 10% of usage. Randy Scollins noted that \$17,000 was spent to fund the Town's share for the lights, signage and striping; that is one fraction of the cost for paving, landscaping and fencing. The total cost of the project was 10 to 25 million dollars while the cost to the Town of Foxborough is at \$14M. The value of the cleanup of toxic waste cannot be calculated as a benefit for the abutters. The cost for 6 months operation is about \$500.00. Suggestions were made about raising the fee, having one or two days of free parking and opening the lot to

anyone wishing to use it. Dick Heydecker said hazardous material is still in the site. Kevin Paicos said to the cap the site was a decision made by the EPA.

**2009 Town Report** – Dick Heydecker identified errors in the 2009 annual report and said they should be corrected and the report re-issued. Randy Scollins pointed out that there was an error in the 2009 report. It was an error that had been in the annual reports for 20 years. He said no employee was improperly paid; it was a reporting issue in the wage report – 4 columns – wages, overtime, 3<sup>rd</sup> party paid column and total gross income column. The amounts shown in the total column are 100% accurate in all the reports. Randy explained the difficulty in trying to pull together all the necessary information to make the requested corrections; it would take about sixty hours to make the corrections. Dick Heydecker felt it would be simple to correct the error; the columns should reflect the numbers accurately. He pointed out that the numbers in the Highway employees basic wage column showed a cut in wages that turned up in the overtime column. Larry Harrington noted that this could be accomplished by writing a memo to file with the annual report so that it would be officially documented. Randy Scollins pointed out that a document of explanation could be provided.

**Funding Budget Over-runs** – Larry Harrington explained over-runs occur when it is necessary to fund accounts that have or would go over budget by the end of the fiscal year. When this occurs, a request for a Reserve Fund Transfer is presented for approval by the Advisory Committee. This situation is discussed by the BOS but is not necessarily brought back before the Board; approval for a transfer is made by the Advisory Committee. Randy Scollins explained that the Reserve Fund is managed by the Advisory Committee. Dick Heydecker said there is no place in the annual report where these transfers are noted individually. He has also asked for more detail on Snow & Ice.

Larry Harrington said these issues would be covered at a later meeting. Larry asked if the Board and Dick were “closed” on these four issues. Jim DeVellis noted there would be more positive information regarding the parking lot – turning a liability into an asset is a great success story.

**8:50 – Review of Town Manager’s Goals and Objectives** – Larry Harrington noted that the Town Manager is quickly approaching an anniversary. A brief discussion was held on how the Board would like to do the evaluation. Kevin Paicos suggested that each member of the Board agree to fill out a form which could then be put together as one; could be reviewed and shared with the public. He pointed out that based on goals and objectives and each member could make observations on how well he has done on each of those. This could be done very simply with a computer spread sheet. He felt this is just one way to gather facts and give a report on how things are going. Kevin pointed out that the Board should all agree based on goals and objectives. He reminded the Board this all has to be done in public. Lynda Walsh said she would work with Kevin on this.

## **ACTION:**

**Minutes** – The Minutes for the Meeting of the Board of Selectmen for May 24, 2011 were reviewed. A brief discussion was held.

Motion by Lynda Walsh to approve the Minutes of the Meeting of May 24, 2011 as amended. Seconded by Larry Harrington.

**Vote: 4-0-1** Larry Harrington abstained.

**Invoice - Labor Counsel** – Received from Collins, Loughran & Peloquin, P.C. an invoice in the amount of \$12,071.25 for services rendered May 1, 2011 through May 31, 2011. A brief discussion was held.

Motion by Lynda Walsh to approve the invoice from Collins, Loughran & Peloquin, P.C. in the amount of \$12,071.25 as submitted. Seconded by Lorraine Brue. **Vote: 5-0-0**

**Personnel Wage Board** – Received from Paul Anderson notice of his resignation from the Wage & Salary Board effective immediately.

Motion by Lynda Walsh to accept with gratitude the resignation of Paul Anderson from the Wage & Salary Board as submitted. Seconded by Lorraine Brue. **Vote: 5-0-0**

Received from Gary Whitehouse a request to be appointed to the Personnel Wage Board for a one year appointment.

Motion by Mark Sullivan to approve the appointment of Gary Whitehouse to the Personnel Wage Board for a one-year term. Seconded by Lorraine Brue.

**Vote: 5-0-0**

**Veterans Services Committee** – Received from Michael Johns a request to appoint Gary Whitehouse to a one-year term on the Veterans Services Committee.

Motion by Mark Sullivan to approve the appointment of Gary Whitehouse to a one-year term on the Veterans Services Committee as requested. Seconded by Lorraine Brue. **Vote: 5-0-0**

**Donation** – Received from Sue Thibedeau, Animal Control Officer, notice of a contribution in the amount of \$285.00 from the Foxboro Animal Hospital to be deposited in the Animal Control Gift Fund.

Motion by Lynda Walsh to accept with gratitude, the gift from the Foxboro Animal Hospital in the amount of \$285.00 to be deposited in the Animal Control Gift Fund. Seconded by Lorraine Brue. **Vote: 5-0-0**

**Block Party Request** – Received from Christine Ciampa, 29 Eastman Avenue, a request to hold a neighborhood block party, August 6<sup>th</sup>, from 2:00 p.m. to 8:00 p.m. The event would be at #9 to #22 Eastman Avenue.

Motion by Lynda Walsh to approve the request to hold a neighborhood block party on August 6<sup>th</sup> as requested by Christine Ciampa. Seconded by Lorraine Brue. **Vote: 5-0-0**

**One Day Beer & Wine License** – Received from Bill Cunningham on behalf of the Orpheum Theater a request for three One Day Beer & Wine Licenses for Comedy Nights on June 17, July 29 and August 26, 2011.

Motion by Lynda Walsh to approve the request for three One Day Beer & Wine Licenses as submitted by Bill Cunningham on behalf of the Orpheum Theater. Seconded by Lorraine Brue. **Vote: 5-0-0**

**Renewal of Commercial Parking Lot Licenses** – Received from the Town Manager a list of the renewal of Commercial Parking Lot Licenses effective 7/01/2011 – 6/30/2012.

Motion by Lynda Walsh to approve the list of renewals for Commercial Parking Lot Licenses effective 7/01/2011 – 6/30/2012 as submitted by the Town Manager. Seconded by Lorraine Brue. **Vote: 5-0-0**

**Openings on Committees** – Members of the BOS to be appointed to the following committees –

CIP – Jim DeVellis, Vice Chairman BOS

Audit Committee – Larry Harrington, Chairman BOS

Executive Emergency Planning Committee - Mark Sullivan,  
Clerk, BOS

Motion by Lynda Walsh to adjourn. Seconded by Lorraine Brue.

**Vote: 5-0-0**

Meeting adjourned at 10:30 p.m.

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Mark Sullivan, Clerk